

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

CLINT PHILLIPS III,

Plaintiff,

v.

DAVID LOITERSTEIN, et al.,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No. 4:16-CV-01236-AGF

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's motion to proceed in forma pauperis on appeal. When the Court dismissed this action, it certified in writing that an appeal would not be taken in good faith. As a result, Court will deny the motion. *See* 28 U.S.C. § 1915(a)(3).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis on appeal is **DENIED**.

**IT IS FURTHER ORDERED** that plaintiff shall, within thirty (30) days of the date of this Order, either pay the \$505 appellate filing fee or file a motion in the United States Court of Appeals for the Eighth Circuit for leave to proceed in forma pauperis.

**IT IS FURTHER ORDERED** that plaintiff shall file any future documents or pleadings in connection with his appeal directly with the United States Court of Appeals for the Eighth Circuit.

Dated this 23rd day of February, 2017.

  
\_\_\_\_\_  
**AUDREY G. FLEISSIG**  
**UNITED STATES DISTRICT JUDGE**